

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES CHATMAN,)	No. C 03-2820 MMC (PR)
)	
Plaintiff,)	ORDER GRANTING EXTENSION OF
)	TIME; DIRECTIONS TO CLERK;
v.)	REQUESTING PRISON'S ASSISTANCE
)	
RICHARD EARLY, et al.,)	(Docket No. 116)
)	
Defendants.)	
_____)	

In 2003, plaintiff Charles Chatman, a state prisoner proceeding pro se, filed the above-titled civil rights complaint pursuant to 42 U.S.C. § 1983. In 2004, the action was dismissed by the Court and, in 2005, the Court of Appeals vacated the order of dismissal and remanded the matter. Thereafter, in an order dated October 16, 2006, the Court found plaintiff had stated cognizable claims for relief based on his allegations of food deprivation, retaliation and interference with his mail; the Court ordered the complaint served on thirty-six defendants. Subsequently, plaintiff filed an amended complaint. In an order dated February 11, 2008, the Court directed that the amended complaint be served, and set a briefing schedule for dispositive motions.

On May 12, 2008, the defendants represented by the Attorney General's Office filed a motion to dismiss; that same date, defendant Chen, who is represented by counsel for the California Office of the Inspector General, filed a motion for summary judgment. According to the Court's briefing schedule, plaintiff was to file his opposition to said motions within thirty days of the date the motions were filed. On July 1, 2008, the Court granted plaintiff an

1 extension of time until August 1, 2008 to file his opposition, in light of plaintiff's
2 representation to the Court, in a request for an extension of time filed June 19, 2008, that
3 following his return to High Desert State Prison from an outside hospital on May 29, 2008,
4 he was placed in administrative segregation without access to his legal property.

5 Now before the Court is plaintiff's second request for an extension of time to file his
6 opposition. In said request, filed July 31, 2008, plaintiff states he remains in administrative
7 segregation at High Desert State Prison and is still being denied access to his legal property.
8 Plaintiff further states he has filed an administrative appeal seeking access to the documents
9 he requires to prepare his opposition, but has not yet received a response.

10 In light of the above circumstances, plaintiff's request for an extension of time is
11 hereby GRANTED. Plaintiff shall file his opposition to defendants' dispositive motions on
12 or before September 22, 2008. Defendants shall file a reply within fourteen days of the date
13 the opposition is filed.

14 Although prison officials at High Desert State Prison are not parties to the instant
15 action, and the Court thus lacks jurisdiction to order such individuals to provide plaintiff with
16 access to his legal materials, the Court nevertheless hereby REQUESTS that prison officials
17 provide plaintiff with reasonable access to his legal materials for purposes of his complying
18 with the deadlines set forth in this order.

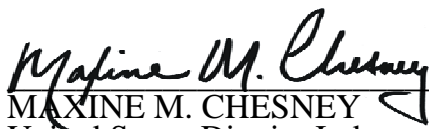
19 The Clerk of the Court shall send a copy of this order to plaintiff and to defendants'
20 counsel, and shall send a courtesy copy by certified mail to:

21 Warden Tom Felker
22 High Desert State Prison
23 P.O. Box 750
Susanville, CA 96127-0750

24 This order terminates Docket No. 116.

25 IT IS SO ORDERED.

26 DATED: August 21, 2008

27 
MAXINE M. CHESNEY
28 United States District Judge